

REMARKS

Reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks are respectfully requested.

The above-noted Official Action mailed January 13, 2006 and the references relied upon therein have been received and carefully studied.

Entry of the foregoing Amendment and reconsideration of the application in view of the above Amendment and the following remarks is hereby requested. This Amendment is being filed under 37 CFR 1.114, concurrently with a Request for Continued Examination (RCE).

Previously presented claim 1 essentially has been amended herein to incorporate the subject matter of claim 16 which has been canceled without prejudice. Claim 1, particularly as amended herein, now positively recites the "concave top surface" extending between the upwardly and forwardly extending middle portion and the second gutter engagement portion and commonly joining the middle portion and the second gutter engagement portion which latter extends upwardly (not downwardly) from the second end of the one-piece support structure. This distinguishing feature is clearly illustrated in Figures 1-4 of the applicant's drawings.

Neither of the patent references being relied upon by the Examiner to reject the claims under either § 102 or 103 of the Statute shows or suggests the "concave top surface commonly joining said middle portion and said second gutter engagement portion extending upwardly from said second end of said one-piece support structure."

As clearly shown in Figure 13 of **Cobb (No. 6,959,512)**, the concave gusset extends "below" the bottom edge of the support structure and therefore **Cobb** manifestly fails to show or suggest a "middle portion located on the *top edge portion* of the one-piece support structure" which middle portion further includes a concave top surface extending toward the second end and being common with the second gutter engagement portion extending *upwardly* from the second end of the one-piece support structure, as is now required by claim 1, particularly as amended herein.

Similarly, in **Morandin et al (No. 5,617,678)**, and as pointed out in applicant's prior Amendment under Rule 1.111, the one-piece structure in this reference has a top section with front and rear mounting clips to carry a perforated screen which is vastly different from a cover designed to channel rain water to the front of a gutter. Thus, **Morandin et al** fails to show or suggest anything even remotely akin to applicant's *middle portion* of the support structure which extends upwardly and forwardly for engaging a roof-supported

cover and which has a "concave top surface extending toward the second end (of the one-piece support) and being common with the second gutter engagement portion extending upwardly from the second end of the one-piece support structure." In any event the "top piece" in **Morandin et al** is curved convexly, the opposite of the "concave" arrangement shown in applicant's specification and as now clearly specified in claim 1 , particularly as amended herein.

Accordingly, for the reasons given above, claim 1, as amended herein, now clearly patentably distinguishes over **Cobb** and/or **Morandin et al**, considered singly or together and the Examiner's rejections under § 102 and 103 are believed to have been avoided and should now be withdrawn.

Claims 2-14 and 17 depend from and further restrict parent claim 1. Because these dependent claims inherit the patentably distinct features of claim 1, as amended, they also are believed to avoid the rejections under § 102 and 103 based upon **Cobb** and/or **Morandin et al** for at least the same reasons advanced above.

The original claims were further rejected under § 112, first and second paragraphs, for various reasons as set forth on pages 2-4 of the last Official Action. In order to overcome these rejections, Claim 1 has been suitably amended to recite that the one-piece rain gutter support structure has

first and second opposed ends, a top edge portion and a bottom edge portion extending between said first and second opposed ends, and a middle portion *located on said top edge portion between said first and second ends* and extending upward with respect to said top edge portion and forward with respect to said first end of said one-piece support structure. In addition, claim 5 has been amended to correct the antecedent basis for the "first gutter cover engagement portion," and claim 15 has been canceled without prejudice. By these actions, it is submitted that the rejections under § 112 of the Statute have been overcome and should now be withdrawn forthwith.

It is respectfully submitted in view of the foregoing that all grounds of objection and rejection have been overcome by this Amendment. Hence, the application now is believed to be in condition for immediate allowance containing allowed claims 1-14 and 17 and such favorable action earnestly is solicited.

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The Examiner is encouraged to telephone the undersigned to resolve any issues still present in the application and to expedite the prosecution of the application, should the Examiner believe such a telephone conference would be helpful.

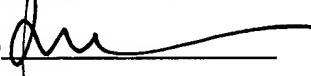
Respectfully submitted,



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CERTIFICATE OF MAILING

The undersigned hereby certifies that this **AMENDMENT UNDER 37 § 1.114** is being deposited with the United States Postal Service in an envelope addressed to: MS RCE, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on **November 13, 2006**.

Signed on (Date) 11/13/06 by (Signature) 

Name of Person Signing Certificate: S. Michael Bender